

SENATE BILL 303

By Ketron

AN ACT to amend Tennessee Code Annotated, Section 39-17-1551, relative to exceptions to state law preemption in certain health-related areas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) As used in this subsection:

(A) "Park" means:

(i) Any recreational area to which the public is invited or has access, including, but not limited to, areas designed in whole or in part to be used by children or that have:

(a) Play or sports equipment installed; or

(b) Been designated or landscaped for play or sports activities; or

(ii) Any similar recreational area located on public or private school grounds or on municipal or county grounds.

(B) "Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private

residence is not a place of employment unless it is used as a child care, adult day care, or healthcare facility; and

(C) "Public place" means a place to which the public or a group of persons has access and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, places of business, places of employment, and playgrounds, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.

(2) Except as provided in subdivision (a)(3), any municipality, county, county having a metropolitan form of government, airport authority created pursuant to title 42, or any utility district created pursuant to title 7, has the authority to regulate the use and possession of tobacco products, as defined in § 39-17-1503, in public places, places of employment, and parks.

(3) No entity described in subdivision (a)(2) has the authority to regulate the use and possession of tobacco in a manner that is less restrictive than that required by state law.

(4) This subsection (a) does not affect or repeal any regulation of the use and possession of tobacco products, as defined in § 39-17-1503, in public places, places of employment, and parks located in a municipality, county, county having a metropolitan form of government, airport authority created pursuant to title 42, or utility district created pursuant to title 7, if the regulatory scheme was enacted:

(A) Based upon the authority conferred by this section or title 39, chapter 17, part 18; and

(B) Prior to July 1, 2017.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.